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*Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

**JENI PEARSONS and MICHAEL  
STORC,**

Plaintiffs,

**v.**

**UNITED STATES OF AMERICA;  
Federal Bureau of Investigation  
Special Agent LYNNE ZELLHART,  
in her individual capacity; and DOES  
1 through 5, Federal Bureau of  
Investigation agents in their  
individual capacities,**

Defendants.

Case No. 2:23-cv-07952-RGK-MAR

**NOTICE OF ERRATA**

*(Filed Concurrently with Declaration  
of Kyndra Griffin and Exhibit A in  
Support)*

Judge: Hon. R. Gary Klausner  
Complaint Filed: September 22, 2023

1 Plaintiffs submit this Notice of Errata regarding their Proof of Service on  
 2 Defendant Lynne Zellhart, ECF No. 35 (Oct. 23, 2023), and Amended Proof of  
 3 Service on Defendant Lynne Zellhart, ECF No. 36 (Nov. 9, 2023).

4 Plaintiffs arranged for a process server to complete personal service on  
 5 Defendant Special Agent Lynne Zellhart. Griffin Decl. ¶ 3 & Ex. A at 3–4. Based  
 6 on information from the process server, the initial proof of service reflected that on  
 7 October 17, 2023, Agent Zellhart was served with the summons, complaint, and  
 8 other court filings identified on pages two through four of the proof of service. *See*  
 9 ECF No. 35; Griffin Decl. ¶ 4. Using that service date, the filing indicated that the  
 10 answer was due on December 18, 2023.

11 On November 6, 2023, however, the process server notified Plaintiffs that the  
 12 process server had made a clerical error. Griffin Decl. ¶ 5 & Ex. A at 3. According  
 13 to the process server, the service package inadvertently included the court filings  
 14 from a related case (*Mellein et al. v. United States et al.*, No. 2:23-cv-07970) rather  
 15 than the filings from this case. *Id.* Because of that defect in service, Agent  
 16 Zellhart’s deadline of December 18, 2023, to answer the complaint in this case  
 17 should be disregarded.<sup>1</sup>

18 Following recognition of its clerical error, the process server personally  
 19 served Agent Zellhart with the correct summons, complaint, and other filings on  
 20 November 7, 2023—the very next day after Plaintiffs learned of the error—and  
 21 Plaintiffs filed proof of that service on November 9, 2023. *See* ECF No. 36; Griffin  
 22 Decl. ¶ 6 & Ex. A at 1.

23 \_\_\_\_\_  
 24 <sup>1</sup> Federal Rule of Civil Procedure 4(i)(3) requires service twice for a United  
 25 States officer or employee sued in their individual capacity: first, by serving the  
 26 United States, and second, by personally serving the officer or employee. Plaintiffs  
 27 separately served process for Agent Zellhart by serving the United States through  
 28 certified mail sent to the Attorney General and to the United States Attorney’s  
 Office on October 16, 2023. *See* ECF No. 33. That docket entry reflects the  
 CM/ECF system’s automatic calculation of a December 15, 2023, answer deadline,  
 but that deadline is not binding because it only reflects the first of the two required  
 methods for serving Agent Zellhart.

1 The correct deadline for Agent Zellhart's answer is therefore January 8,  
2 2024. Plaintiffs apologize to the Court and other parties for any inconvenience  
3 caused.

4  
5 Dated: November 13, 2023

Respectfully Submitted,

6  
7 /s/ Joseph Gay

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